

REMARKS

The application has been amended to place it in condition for allowance at the time of the next Official Action.

Priority claim

It is believed that the claim to priority is correct. That is, the present application claims priority to two (2) foreign applications filed in the Netherlands (NL1025127 and NL1025821) and PCT application (PCT/NL2004/000894).

Application no. 10/584,215 noted in the Official Action also claims priority to the same two (2) foreign applications filed in the Netherlands (NL1025127 and NL1025821), but also claims priority to PCT application (PCT/NL2004/000869).

A review of the above noted PCT applications shows on the cover page the corresponding Figures 1 of the respective application. Likewise, the text of the PCT application corresponds to the respective applications. That is, the present application 10/584,216 corresponds to PCT/NL2004/000894 and application 10/584,215 corresponds to PCT/NL2004/000869.

In view of this, the priority claim is believed to be correct. The Examiner is invited to contact the undersigned attorney with any further questions regarding this issue.

Information disclosure statement

As noted in the IDS filed June 23, 2006, the present application is a national stage application and the International Search Authority should have provided copies of the references. Since this does not appear to be the case, copies of the references are submitted as an Appendix hereto for consideration by the Examiner.

Claims status

Claims 1-20 remain in this application. Claims 9 and 20 have been withdrawn from consideration as being directed to a non-elected species.

Applicants note with appreciation the indication that claims 6-8 and 16-19 are allowable.

Claim objection

Claim 2 is amended to further define claim 1 to obviate the claim objection.

35 USC 102 rejection

Claims 1-5 and 10-15 were rejected under 35 USC 102(b) as being anticipated by ROSENBLUM US 3,424,134. That rejection is respectfully traversed.

Claim 1 is amended to change 'object' to 'wall'. Support for this amendment may be found throughout the

application document. Although the wording 'wall' should be understood in a broad sense, as expressed in the description on page 1, line 14 of the application, it will be clear therefrom that the safety device is connected to a building like object.

Hence, the present invention is concerned with a safety device via which for instance an end of a safety line of a fall restraint is securely coupled to the building like object.

In contrast, ROSENBLUM (US 3,424,134) is concerned with a safety harness to which the opposite end of such safety line may be coupled. ROSENBLUM does not disclose a safety device via which a fall restraint may be secured to the building like object. In particular there is no disclosure or suggestion in ROSENBLUM to use a flexible fastening flap for a firm and durable connection to a wall. Indeed, in ROSENBLUM, the offered fastening means 100, 110 is a loop holding member 100 that include a vest 110 to be worn by a user. Such a device is not secured to a wall and moreover, could not reasonably be configured for connection to a wall.

Accordingly, ROSENBLUM does not anticipate the present claims and it would not have been obvious to modify ROSENBLUM to meet the present claims.

In view of the above amendments and the foregoing remarks, it is believed that the present application has been placed in condition for allowance. Reconsideration and allowance are earnestly requested.

Should there be any matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

YOUNG & THOMPSON

/Liam McDowell/

Liam McDowell, Reg. No. 44,231
209 Madison Street, Suite 500
Alexandria, Virginia 22314
Telephone (703) 521-2297
Telefax (703) 685-0573
(703) 979-4709

LM/jr

APPENDIX:

The Appendix includes the following item(s) :

- a copy of Patent DE 201 09 056 (GERMANY) dated 10/11/2001
- a copy of Patent CH 271 254 (SWITZERLAND) dated 10/15/1950
- a copy of Patent DE 103 33 113 (GERMANY) dated 11/1/2004
- a copy of ZINCO GMBH: "Fallnet: das intelligente System zur Absturzsicherung" Online! 21 June 2004 (2004-06-21), XP002324449...
- a copy of ZINCO GMBH: "Die Anschlagsicherung Fallnet SE" INTERNET ARTICLE, Online! 18 June 2004 (2004-06-18), XP002324450...
- a copy of ZINCO GMBH: "Die Anschlagsicherung Fallnet SE" INTERNET ARTICLE, Online! 18 June 2004 (2004-06-18), XP002324451...